

REMARKS

Claim 1 is pending in this application. By this Amendment, claim 1 is amended. No new matter is added. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed below; (b) do not raise any new issue requiring further search and/or consideration as the amendments amplify issues previously discussed throughout prosecution; and (c) place the application in better form for appeal, should an Appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the Final Rejection. Entry of the amendments is thus respectfully requested.

The Office Action, on page 2, rejects claim 1 under 35 U.S.C. §101 asserting that the claimed invention is directed to non-statutory subject matter because there is positive recitation of a part of the body by direct comparison thereto. Claim 1 is amended, as recommended by the Office Action, to obviate the rejection.

Accordingly, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §101 as allegedly reciting non-statutory subject matter are respectfully requested.

The Office Action, on page 2, rejects claim 1 under 35 U.S.C. §102(a) as being anticipated by JP-A-2002-177306 (hereinafter "JP '306"). This rejection is respectfully traversed.

JP '306 teaches an intraocular lens having holes and recesses provided for reduction of a contact area of the intraocular lens with a crystalline lens and also promotional flow of aqueous humor (see *e.g.*, Fig. 2 and 4). Careful review, however, of the figures of JP '306 reveals that JP '306 has no groove and/or hole (pore) designed for promotion of aqueous

humor flow in an optical part, *i.e.*, arranged within a region centering an optical center of the optical part corresponding to the pupil.

Claim 1, as amended, recites, among other features, an optical part which has a meniscus shape of which a back surface is sized to be larger in curvature than a front surface of the crystalline lens and a predetermined refractive power, the optical part being sized to be larger in diameter than a pupil and having a plurality of fine pores which are formed through the optical part and arranged within a region centering an optical center of the optical part corresponding to the pupil, and each fine pore being of an inner diameter of 0.1 μm to 0.1mm determined to allow aqueous humor to pass through the optical part and maintain optical characteristics of the optical part.

As is positively recited above, the subject matter of the pending claims provides an intraocular lens formed with a groove for allowing aqueous humor to flow in the space between an optical part and a crystalline lens, and fine pores formed in the optical part to allow the aqueous humor having flowed in the space between the optical part and the crystalline lens through the groove, to flow to an anterior chamber (see *e.g.*, Fig. 2). The configuration, as positively recited in claim 1, allows fresh aqueous humor to flow to the vicinity of the center of the front surface of the crystalline lens while controlling the pressure in the anterior chamber and the posterior chamber. The invention disclosed in JP '306 (1) is structurally different from the subject matter of the pending claim, and (2) does not recognize any objective benefit related to that among which the subject matter of the pending claim is directed.

For at least the above reasons, JP '306 cannot reasonably be considered to teach, or to have suggested, the subject matter of the pending claim. Accordingly, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(a) as being anticipated by JP '306 are respectfully requested.

The Office Action, on page 3, rejects claim 1 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,913,898 to Feingold. This rejection is respectfully traversed.

Feingold teaches an intraocular contact lens for implantation into the eye. The Office Action alleges that Feingold teaches all of the features recited in claim 1.

With reference to Figs. 20-24, the Office Action alleges that Feingold teaches an intraocular lens adapted for placement between the iris and the crystalline lens that is asserted to include all of the features positively in at least independent claim 1. In fact, at the top of page 4 the Office Action states "Feingold has disclosed many various features as holes and grooves (see Abstract) that inherently may be used in conjunction." The analysis of the Office Action fails for at least the following reason.

Feingold teaches an intraocular contact lens adapted for placement between an iris and a crystalline lens as asserted by the Office Action. The Feingold lens has a hole and a groove arranged to connect a front surface with a back surface of the lens for, for example, potentially equalizing pressure in an anterior chamber and a posterior chamber. Feingold, however, indicates that it is preferable to provide a single hole in a part along the optical axis of the lens so as not to damage the optical characteristics of the lens. If a plurality of holes is provided in the Feingold invention, they are indicated as being formed in a peripheral region around an optical part. As such, Feingold cannot reasonably be considered to teach, or to have suggested, a configuration in which a plurality of holes is formed within a region centered on the optical center of the optical part corresponding to a pupil area as is positively recited, among other features, in claim 1.

As indicated above, claim 1 positively recites a plurality of fine pores each having an inner diameter of about 0.1 μm to 0.1mm within the region centered on the optical center of the optical part corresponding to the pupil area. This configuration results in an appropriate flow passage for maintaining the optical characteristics of the lens and also allow fresh

aqueous humor to flow to the vicinity of the center of the front surface of the crystalline lens while controlling the pressure in the anterior and posterior chamber, as discussed above.

For at least the above reason, Feingold cannot reasonably be considered to teach, or to have suggested, the combination of all of the features positively recited in claim 1.

Accordingly, reconsideration and withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) as being anticipated by Feingold are respectfully requested.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claim 1 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Daniel A. Tanner, III
Registration No. 54,734

JAO:DAT/cfr

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OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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